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Appeals and VAF — FBI

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Firearm-Related Challenge (Appeal) and Voluntary Appeal File (VAF)

The National Instant Criminal Background Check System (NICS) is a name check system that uses databases to determine if a person may legally receive or possess a firearm.

How Firearms Background Checks Work

When someone tries to buy a firearm, the seller—known as a Federal Firearms Licensee (FFL)—contacts the NICS. The prospective buyer fills out the required form, and the FFL sends that information to the NICS. The NICS staff performs a background check on the buyer to verify eligibility.

Prospective firearms buyers who receive a “Denied” status on their background checks may have a state or federal firearm prohibition. The denied individual may choose to pursue a challenge and/or apply to the Voluntary Appeal File.

A “Delayed” message means the NICS team needs to do additional research to verify the person’s background. NICS staff work closely with federal, state, local, and tribal law enforcement agencies and courts to verify eligibility. In some cases, this can be a time-consuming process.

If NICS staff cannot make a determination within three business days of a background check, the FFL may transfer the firearm, unless prohibited by state law (per the Brady Handgun Violence Prevention Act of 1993.)

Federal Categories of Persons Prohibited from Receiving Firearms

A delay response from the NICS Section indicates the subject of the background check has been matched with either a state or federal potentially prohibiting record containing a similar name and/or similar descriptive features (name, sex, race, date of birth, state of residence, social security number, height, weight, or place of birth). The federally prohibiting criteria are as follows:

- A person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year or any state offense classified by the state as a misdemeanor and is punishable by a term of imprisonment of more than two years.
- Persons who are fugitives from justice.
- An unlawful user and/or an addict of any controlled substance; for example, a person convicted for the use or possession of a controlled substance within the past year; or a person with multiple arrests for the use or possession of a controlled substance within the past five years with the most recent arrest occurring within the past year; or a person found through a drug test to use a controlled substance unlawfully, provided the test was administered within the past year.
- A person adjudicated mental defective or involuntarily committed to a mental institution or incompetent to handle own affairs, including dispositions to criminal charges of found not guilty by reason of insanity or found incompetent to stand trial.
- A person who, being an alien, is illegally or unlawfully in the United States.
- A person who, being an alien except as provided in subsection (y) (2), has been admitted to the United States under a non-immigrant visa.
- A person dishonorably discharged from the United States Armed Forces.
- A person who has renounced United States citizenship.
- The subject of a protective order issued after a hearing in which the respondent had notice that restrains them from harassing, stalking, or threatening an intimate partner or child of such partner. This does not include ex parte orders.
- A person convicted in any court of a misdemeanor crime which includes the use or attempted use of physical force or threatened use of a deadly weapon and the defendant was the spouse, former spouse, parent, guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited in the past with the victim as a spouse, parent, guardian or similar situation to a spouse, parent or guardian of the victim.
- A person who is under indictment or information for a crime punishable by imprisonment for a term exceeding one year.

A delay response indicates that information you supplied on the ATF Form 4473 has been matched with information contained in the National Crime Information Center, the Interstate Identification Index, and/or the NICS Indices. Complete disposition information is not always available and a further review of these records is necessary. The NICS Section exhausts all efforts to retrieve current record information by contacting all applicable law enforcement agencies, i.e., local, state, and federal courts, etc. The Brady Act allows three business days to find this information before an FFL can transfer a firearm. The FFL is not prohibited from transferring the firearm after three business days have passed; however, the FFL is not required to transfer the firearm.

The Privacy Act of 1974 restricts the dissemination of specific information to you via the telephone. You can obtain a copy (for a fee) of any identification record the FBI may maintain on you by contacting the following unit at the address and telephone number provided:

Federal Bureau of Investigation
Criminal Justice Information Services Division
Attention: Summary Request

1000 Custer Hollow Road
Clarksburg, WV 26306
Telephone Number: (304) 625-5590

I Was Denied a Firearm—What Happens Now?

Firearm-Related Challenge

If you believe you have been wrongfully denied a firearm, you can request a firearm-related challenge (appeal). You may only challenge a **denied** firearm transaction, not a delayed one.

This process will provide you:

- the reason your background check was denied, and
- the opportunity to challenge your denied background check online – including a Nuclear Regulatory Commission background check.

State Permits

The FBI does not accept challenges or provide reasons for delays or denials on state-issued firearms permits. Those questions should be directed to the state agency. The NICS Participation Map explains whether your state, or the FBI, conducts firearms buyers’ background checks.

How to File a Firearm-Related Challenge

To challenge your firearm denial, visit <https://www.edo.cjis.gov>.

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To submit a challenge through the mail, send a request to:

FBI CJIS Division
Attn: Criminal History Analysis Team 1
BTC 3
1000 Custer Hollow Road
Clarksburg, WV 26306

When submitting a challenge via mail, include your NICS Transaction Number (NTN) or State Transaction Number (STN). Failure to include these numbers will delay processing.

Help with Your Firearm-Related Challenge

If you need help or have questions on firearm-related challenges, call (304) 625-5590 or email identity@fbi.gov. (This contact information is for help with firearm-related challenges only, not the Voluntary Appeal File.)

I Have Been Denied a Firearm Multiple Times or Experience Delays – What Should I Do?

Voluntary Appeal File (VAF)

Anyone may apply for the VAF, but it is designed for firearm purchasers who believe they are legally allowed to buy firearms, but they have been denied more than once or frequently experience delays in their transactions. Purchasers sometimes find themselves experiencing delays or denials in firearms purchases because of a past misdemeanor charge or because an ineligible person has a similar name.

When you apply for the VAF, NICS personnel will research your case and assign you a Unique Personal Identification Number (UPIN) if you have no firearms prohibitions. For future firearms transactions, you will provide your UPIN for your background check. You will still have to undergo a complete background check to buy a firearm, but the UPIN will help to confirm your identity.

The VAF process can take several months.

You may also apply for the VAF at the same time you submit a firearm-related challenge.

The NICS Section is currently processing Voluntary Appeal File (VAF) cases received in March 2021.

How to Apply for the VAF

Apply Online - You can apply to the VAF online via eVAF. During the application process, you will receive an email with an encrypted link and pin to access your application. You must log in to the application at least every 90 days for it to remain active.

Paper Applications - A VAF application and fingerprint form can also be obtained online (below).

- Voluntary Appeal File Application
- Archivo de Apelación Voluntaria (Español)
- Standard Fingerprint Form
- Attorney Release Form
- Types of Documents Based on Prohibitor

Mail - You can also mail a request to:

FBI CJIS Division
NICS Section
NICS Functional Support Unit, Module D-1
P.O. Box 4278
Clarksburg, WV 26302-4278

Help with VAF/UPINs

For help with VAF and UPINs, including forgotten UPINs, contact nics@fbi.gov or via mail at the address above.

Always include your complete name, mailing address, and phone number when contacting NICS for help. Lost UPINs should be reported immediately.

You can change your mailing address online or at the above mailing address. Include your full name, old address, new address, and your NICS Transaction Number (NTN) or State Transaction Number (STN). (Whether you receive an NTN or an STN depends on your state.) If you wish to cancel your VAF application, you must submit your cancellation in writing.

Submitting Your Fingerprints with the VAF Application

You are required to submit your fingerprints as part of your VAF application. Most local police departments and sheriff's offices can assist with fingerprints, though you may have to pay a fingerprint fee.

VAF accepts electronic scanned fingerprint images, but you must request your fingerprint agency print you a copy of those images. Submit the copy with your VAF application.

If your fingerprint card is rejected, you will receive a response letter with instructions on re-submitting.

The agency rolling your fingerprints must include the following on your fingerprint card:

- agency name and address
- agency phone number
- legible signature of the official taking the fingerprints
- Originating Agency Identifier Number, if applicable.

More NICS Information